

PUBLIC MATTER

FILED

DEC 16 2009

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
RUSSELL G. WEINER, No. 94504
INTERIM CHIEF TRIAL COUNSEL
PATSY J. COBB, No. 107793
DEPUTY CHIEF TRIAL COUNSEL
NANCY J. WATSON, No. 89753
ASSISTANT CHIEF TRIAL COUNSEL
GERI VON FREYMAN, NO. 97937
SUPERVISING TRIAL COUNSEL
DIANE J. MEYERS, No. 146643
DEPUTY TRIAL COUNSEL
1149 South Hill Street
Los Angeles, California 90015-2299
Telephone: (213) 765-1000

kwiktag * 078 543 716



STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:)	Case No. 06-O-15222
)	
MICHAEL H. INMAN,)	NOTICE OF DISCIPLINARY CHARGES
No. 160042,)	
)	
)	
A Member of the State Bar)	

NOTICE - FAILURE TO RESPOND!

IF YOU FAIL TO FILE AN ANSWER TO THIS NOTICE WITHIN THE TIME ALLOWED BY STATE BAR RULES, INCLUDING EXTENSIONS, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL, (1) YOUR DEFAULT SHALL BE ENTERED, (2) YOU SHALL BE ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR AND WILL NOT BE PERMITTED TO PRACTICE LAW UNLESS THE DEFAULT IS SET ASIDE ON MOTION TIMELY MADE UNDER THE RULES OF PROCEDURE OF THE STATE BAR, (3) YOU SHALL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOUR DEFAULT IS SET ASIDE, AND (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.

STATE BAR RULES REQUIRE YOU TO FILE YOUR WRITTEN RESPONSE TO THIS NOTICE WITHIN TWENTY DAYS AFTER SERVICE.

IF YOUR DEFAULT IS ENTERED AND THE DISCIPLINE IMPOSED BY THE SUPREME COURT IN THIS PROCEEDING INCLUDES A PERIOD OF ACTUAL SUSPENSION, YOU WILL REMAIN SUSPENDED FROM THE PRACTICE OF LAW FOR AT LEAST THE PERIOD OF TIME SPECIFIED BY THE SUPREME COURT. IN ADDITION, THE ACTUAL

1 SUSPENSION WILL CONTINUE UNTIL YOU HAVE REQUESTED,
2 AND THE STATE BAR COURT HAS GRANTED, A MOTION FOR
3 TERMINATION OF THE ACTUAL SUSPENSION. AS A CONDITION
4 FOR TERMINATING THE ACTUAL SUSPENSION, THE STATE BAR
5 COURT MAY PLACE YOU ON PROBATION AND REQUIRE YOU TO
6 COMPLY WITH SUCH CONDITIONS OF PROBATION AS THE STATE
7 BAR COURT DEEMS APPROPRIATE. SEE RULE 205, RULES OF
8 PROCEDURE FOR STATE BAR COURT PROCEEDINGS.

9 The State Bar of California alleges:

10 JURISDICTION

11 1. Michael Inman ("Respondent") was admitted to the practice of law in the State of
12 California on November 23, 1992, was a member at all times pertinent to these charges, and is
13 currently a member of the State Bar of California.

14 COUNT ONE

15 Case No. 06-O-15222
16 Rules of Professional Conduct, rule 4-100(A)
17 [Commingling Personal Funds in Client Trust Account]

18 2. Respondent wilfully violated Rules of Professional Conduct, rule 4-100(A), by
19 depositing or commingling funds belonging to Respondent in a bank account labeled "Trust
20 Account," "Client's Funds Account" or words of similar import, as follows:

21 3. On April 24, 2006, Respondent opened a client trust account at Bank of America
22 ("BOA"), account number xxxxxx0965 ("the CTA"),¹ with \$8,058.96, which had been
23 transferred from Respondent's former client trust account at BOA, account number xxxxxx2904
24 (the "former CTA"),² because of alleged fraudulent activity in the former CTA.

25 4. Between April and November 2006, Respondent repeatedly and routinely deposited
26 and maintained personal funds in the CTA, and withdrew the funds to pay numerous personal
27 expenses.

28 5. By repeatedly and routinely depositing and maintaining personal funds in the CTA,
and by withdrawing the funds to pay numerous personal expenses, Respondent wilfully

¹ The full account number is omitted for privacy purposes.

² The full account number is omitted for privacy purposes.

1 commingled funds belonging to Respondent in a bank account labeled "Trust Account,"
2 "Client's Funds Account" or words of similar import.

3 COUNT TWO

4 Case No. 06-O-15222
5 Business and Professions Code, section 6106
6 [Moral Turpitude – Issuance of Checks Against Insufficient Funds]

7 6. Respondent wilfully violated Business and Professions Code, section 6106, by
8 committing an act involving moral turpitude, dishonesty or corruption, as follows:

9 7. The allegations of paragraphs 3 and 4 are incorporated by reference.

10 8. Between June 27 and October 4, 2006, the following checks issued by Respondent
11 from the CTA were presented for payment and not paid due to insufficient funds in the CTA:

<u>Presentment Date</u>	<u>Check No.</u>	<u>Amount</u>
06-27-06	1038	\$ 120.00
07-06-06	1044	\$ 1,145.00
07-20-06	1049	\$ 771.91
10-04-06	1087	\$ 320.00

12
13
14
15
16
17 9. Respondent issued check numbers 1038, 1044, 1049 and 1087 when he knew or was
18 grossly negligent in not knowing that there were insufficient funds in the CTA to honor the
19 checks.

20 10. By issuing check numbers 1038, 1044, 1049, and 1087 from the CTA when he knew
21 or was grossly negligent in not knowing that there were insufficient funds in the CTA to pay the
22 checks, Respondent wilfully committed acts involving moral turpitude, dishonesty or corruption.

23 COUNT THREE

24 Case No. 06-O-15222
25 Business and Professions Code, section 6106
26 [Moral Turpitude - Misrepresentation to State Bar]

27 11. Respondent wilfully violated Business and Professions Code, section 6106, by
28 committing an act involving moral turpitude, dishonesty or corruption, as follows:

12. The allegations of paragraphs 3, 4, 8 and 9 are incorporated by reference.

1 13. On September 18, 2006, the Office of Intake of the State Bar of California
2 ("Intake") sent a letter to Respondent regarding the insufficient funds activity in the CTA caused
3 by check numbers 1038, 1044 and 1049.

4 14. On October 24, 2006, Respondent sent a letter in response to Intake's September 18,
5 2006 letter. In Respondent's letter, he replied in part:

6 "On the days in question, I inadvertently wrote my rent check and car
7 lease check on trust account checks rather than my personal account
8 checks. I was either in a hurry, confused or possibly had left my
9 personal account check register elsewhere on that particular day and
10 then just used my trust account checks as a matter of expediency. I do
11 not completely remember how it happened. I realize now that I am not
12 supposed to do this. At the time, there were no "client" funds in my
13 trust account, and that is why they bounced. The third check, I believe
14 was for the cost of filing a civil action for a client."

15 15. On November 9, 2006, Intake sent a letter to Respondent regarding the insufficient
16 funds activity in the CTA caused by check number 1087.

17 16. On November 15, 2006, Respondent sent a letter in response to Intake's November
18 9, 2006 letter in which he represented:

19 "Check number 1087 was written to pay a court filing fee on behalf of
20 a divorce client. As with the other three checks that bounced, I
21 inadvertently used a trust account check to pay a business expense that
22 should have been written on a personal account check. . . .As with the
23 other three checks, I believe I used the trust account check because I
24 did not have my personal account checks with me at the time."

25 17. In a letter to a State Bar investigator dated February 20, 2007, Respondent took a
26 slightly different position about the number of times he had issued checks from the CTA for his
27 rent and car lease, as follows:

28 ///

1 "As I explained in an earlier communication, on several occasions in
2 2006, I paid my apartment rent and car lease from checks issued from
3 my client trust account. Without the benefit of my records, I don't
4 know how many times that occurred. As I previously stated, the reason
5 this happened was I had run out of personal checks and the client trust
6 checks were convenient. Any and all funds used to pay personal
7 expenses were from attorneys fees which remained in the account after
8 the client's portions had been distributed."

9 18. Respondent's representations in his October 24, 2006 and November 15, 2006
10 responses that the checks for his rent and car lease were inadvertently issued from the CTA were
11 false in that Respondent intentionally issued other checks from the CTA to Shawky Saad for his
12 rent on May 5, June 5, July 14, September 5, and October 4, 2006, and to U.S. Bank for his car
13 lease on May 15, June 15, August 16, September 13, and October 16, 2006.

14 19. Respondent's issuance of check number 1087 from the CTA was not inadvertent as
15 he intentionally used a CTA check to pay a business expense.

16 20. Respondent's representation in his February 20, 2007 letter that he had issued
17 checks for personal expenses from the CTA because he had run out of personal checks was false
18 in that Respondent, as a matter of custom, wrote checks for personal expenses from the CTA
19 throughout the existence of the CTA.

20 21. Respondent's representation in his February 20, 2007 letter that any and all funds
21 used to pay personal expenses were from attorneys fees which remained in the account after the
22 client's portions had been distributed was false in that Respondent paid personal expenses with
23 cash deposits into the CTA on May 10, 11, 16, 23, and 26, 2006, July 25, 2006, August 8, 2006,
24 September 29, 2006, and October 2, 5, 6 and 12, 2006; and with funds from an account at Bank
25 of the West, identified as Inman and Associates PC, account number xxxxx1927,³ and deposited
26 into the CTA on June 27, 2006, July 10, 2006 and October 4, 2006.

27 ///

28 ³ The full account number is omitted for privacy purposes.

22. Respondent's misrepresentations were intentional and material in that he made the misrepresentations to conceal his repeated and ongoing trust account violations and to avoid discipline by the State Bar of California.

23. By making intentional and material misrepresentations of fact to the State Bar of California, Respondent wilfully committed acts involving moral turpitude, dishonesty or corruption.

NOTICE - INACTIVE ENROLLMENT!

YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT. SEE RULE 101(c), RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

NOTICE - COST ASSESSMENT!

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10. SEE RULE 280, RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: December 15, 2009

Bv:

Diane J. Meyers
Deputy Trial Counsel

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBER: 06-O-15222

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California 90015, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on the date shown below, a true copy of the within

NOTICE OF DISCIPLINARY CHARGES

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7160 3901 9848 5951 3304, at Los Angeles, on the date shown below, addressed to:

**MICHAEL H. INMAN
INMAN & ASSOCIATES
9401 WILSHIRE BLVD., #1150
BEVERLY HILLS, CA 90210**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: December 15, 2009

Signed: _____


SILVIA D. GONZALEZ
Declarant